
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

SUPRAGENIX LLC,

Plaintiff,

v.

JAMES GARRITY, et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:13-cv-142

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

This case arises out of Plaintiff's Amended Complaint against Defendants for copyright infringement, false advertising, deceptive trade practices, unjust enrichment, fraud, fraudulent false marking, and conversion. (Dkt. No. 5). The case was assigned to United States District Court Judge Clark Waddoups, who referred it to United States Magistrate Judge Brooke Wells pursuant to 28 U.S.C. § 636(b)(1)(A). (Dkt No. 12).

While the case was proceeding before Judge Wells, Defendants proved unresponsive to discovery requests and court orders, resulting in Plaintiff filing multiple motions to compel and for contempt. (Dkt. Nos. 16, 19, 28). Of relevance here, Plaintiff's second motion for contempt sought default judgment against Defendants as well as other sanctions. (Dkt. No. 28). When Defendants did not respond to the motion, Judge Wells issued an order to show cause requiring Defendants to respond to the motion or face sanctions, including the entry of default. (Dkt. No. 29). Defendants again failed to respond to the show cause order. Accordingly, Judge Wells issued a Report and Recommendation, in which she recommended this court grant the second motion for contempt, including issuing dispositive sanctions. (Dkt. No. 30). Defendants did not file an objection to the Report and Recommendation.

The court has reviewed the Report and Recommendation de novo, and agrees with Judge Wells's thoughtful analysis on this issue. *See Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (recognizing that in the absence of a timely objection, the court has the discretion to consider a report and recommendation de novo). Therefore, the court APPROVES and ADOPTS the Report and Recommendation and GRANTS Plaintiff's second motion for contempt (Dkt. No. 28). For the reasons explained in the Report and Recommendation, the court finds that Plaintiff is entitled to default judgment against Defendants as well as reasonable expenses including attorney fees and costs.

SO ORDERED this 19th day of January, 2016.

BY THE COURT:



Clark Waddoups
United States District Court Judge